



**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a utility patent is sought on the invention entitled:

**TREATMENT AND DIAGNOSIS OF CARDIAC HYPERTROPHY**

the specification of which:

☒ was filed on November 9, 1998, as United States Application No. 09/189,618, bearing attorney docket no. 15966-516 (Cura-16).

☐ is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

☐ I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

			Priority Claimed	
(Number)	(Country - if PCT, so indicate)	(dd/mm/yy Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country - if PCT, so indicate)	(dd/mm/yy Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Applicants: Shimkets and Low  
Application: 09/189,618

☒ I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>60/065,048</u> (Application No.)	<u>November 10, 1997</u> (Filing Date)	<u>Now Abandoned</u> (Status: Patented, Pending, Abandoned)
<u>                    </u> (Application No.)	<u>                    </u> (Filing Date)	<u>                    </u> (Status: Patented, Pending, Abandoned)

PCT International Applications designative the United States:

<u>                    </u> (PCT App No.)	<u>                    </u> (US Serial No.)	<u>                    </u> (PCT Filing Date)	<u>                    </u> (Status)
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I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

David B. Bernstein, Registration No. 32,112	Leslie Meyer-Leon, Registration No. 37,381
David F. Crosby, Registration No. 36,400	A. Jason Mirabito, Registration No. 28,161
James Cullem, Registration No. 43,569	Michel Morency, Limited Recognition
Brett N. Dorny, Registration No. 35,860	Carol Peters, Registration No. 45,010
Ivor R. Elrifi, Registration No. 39,529	John T. Prince, Registration No. 43,019
John A. Harre, Registration No. 37,345	Brian Rosenbloom, Registration No. 41,276
Shane H. Hunter, Registration No. 41,858	Garfield B. Simms, Registration No. 45,109
David E. Johnson, Registration No. 41,874	Thomas M. Sullivan, Registration No. 39,392
Kristin E. Konzak, Registration No. P-44,848	Howard J. Susser, Registration No. 33,556
Cynthia A. Kozakiewicz, Registration No. 42,764	Shelby J. Walker, Registration No. 45,192
William A. Marino, Registration No. 44,219	Martin M. Zoltick, Registration No. 35,745

Address all telephone calls to Ivor R. Elrifi at telephone number 617/348-1747.  
Address all correspondence to:

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
One Financial Center  
Boston, Massachusetts 02111

Applicants: Shimkets and Lowe  
Application: 09/189,618

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.



Signature of Richard A. Shimkets

10/6/99  
Date

Full Name of Inventor: Richard A. Shimkets  
Citizenship: United States  
Residence: 191 Leete Street, West Haven, CT 06516  
Post Office Address: 191 Leete Street, West Haven, CT 06516

Signature of David G. Lowe

Date

Full Name of Inventor: David G. Lowe  
Citizenship: United States  
Residence: 35 Via Delizia, Hillsborough, CA 94010  
Post Office Address: 35 Via Delizia, Hillsborough, CA 94010

TRADOCS: 1146416.1 (kkw011.doc)



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Priority  
Claimed

(Number)	(Country - if PCT, so indicate)	(dd/mm/yy Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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(Application No.)	(Filing Date)	(Status: Patented, Pending, Abandoned)
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**Signature of Richard A. Shimkets**

Date

Full Name of Inventor: Richard A. Shimkets  
Citizenship: United States  
Residence: 191 Leete Street, West Haven, CT 06516  
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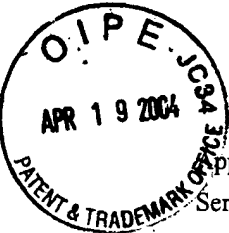


**Signature of David G. Lowe**

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Full Name of Inventor: David G. Lowe  
Citizenship: United States  
Residence: 35 Via Delizia, Hillsborough, CA 94010  
Post Office Address: 35 Via Delizia, Hillsborough, CA 94010

TRADOCs:1146416.1(\_KKW01!.DOC)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	SHIMKETS ET AL.	Examiner:	UNKNOWN
Serial No.:	10/722,292	Group Art Unit:	1645
Filed:	NOVEMBER 25, 2003	Docket:	11669.188USD1
Confirmation No.:	9115	Customer No.:	23552
Due Date:	APRIL 27, 2004		
Title:	METHOD OF DETECTING CARDIAC HYPERTROPHY THROUGH PROBE HYBRIDIZATION AND GENE EXPRESSION ANALYSIS		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 14, 2003.

By:

Name: Sheryl A. Boerboom

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Notice to File Missing Parts of NonProvisional Application - Part 2
- ☒ Copy of signed Combined Declaration and Power of Attorney from parent application (6 pages)
- ☒ Check in the amount of \$130.00 for missing parts surcharge
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By:

Name: Katherine M. Kowalchuk

Reg. No.: 36,848

KKowalchuk:sab